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**CITY OF SHORELINE
HEARING EXAMINER**

FINDINGS, CONCLUSIONS AND RECOMMENDATION

APPLICANT: Shoreline Fire Department

FILE NO.: 1998-00636

PROPOSAL: Conditional Use Permit for the construction of a new north satellite fire station.

PUBLIC HEARING: SMC, Section 16.35.080, Table 1 specifies that the decision regarding a Conditional Use Permit is made by the Director of the Planning and Development Department; however the Director may choose to make a decision following an open record hearing conducted by and recommendations from the Hearing Examiner.

BACKGROUND:

A. Location and Neighborhood: The proposed new fire station is to be located at 719 N. 185th Street on a 1.25 acre side comprised of 5 single family lots which will be consolidated. The site extends south to N. 184th Street. Single family homes are located across both N. 184th and N. 185th as well as adjacent to the site on the west. To the east on 185th is located a dental clinic, Masonic Temple and Fred Meyer Supermarket; and on 184th are single family houses and an apartment houses. The site is located within the Richmond Highlands Neighborhood and immediately west of the Aurora Avenue Special Overlay District.

B. Proposal: The proposal is to construct a new, 11,315 square foot fire station building which will include a three bay apparatus room, a reception area, office space, a classroom, a day room with a kitchen, an exercise room, and sleeping rooms for eight. There will be 10 public parking stalls and 10 parking stalls for the crew which are separated from the public by a gate. Landscape buffers are proposed along all property lines.

Primary public access is provided from N. 185th Street. For the fire apparatus this street will function as both the entrance and exit for the property. The access on N. 184th Street will be gated and will be for limited emergency ingress only.

C. History: The application for a Conditional Use Permit was submitted on April 6, 1998 with a complete application date of April 29, 1998, This was submitted following an extensive planning and community involvement process (See Attachment, Exhibit C) by the Shoreline Fire

Department (King County Fire District 4). A Mitigated Declaration of Non-Significance (MDNS) was issued by the City of Shoreline on June 3, 1998 which was attached to a public notice dated June 11, 1998. This notice indicated that written comments to the City should be received by 5:00 p.m. on June 26, 1998. In response to the public notice, six letters were written in support of the project and eleven letters were received that expressed opposition (nine requesting a public hearing). As a result of the requests for a public hearing, the Director on July 28, 1998 sent out a notice for a Pre-Decision Open Record Public Hearing before the Hearing Examiner for 7:00 p.m. August 12, 1998.

D. Request for Public Hearing: The primary issues identified by the City staff from the public comment requesting a public hearing were:

1. Effect that the project's storm water drainage system would have on downstream properties;
2. Negative impact of a new emergency vehicle access on pedestrian safety on N. 184th Street, a residential street; and
3. Noise generated by the new facility.

The Hearing Examiner also identified in his review the following additional issues:

1. Concern about the Fire District's site selection process and public involvement;
2. Problem with the drainage system on N. 184th Street and potential increases due to the proposal;
3. Use of N. 184th Street as a bypass around the stop lights on N. 185th St. leading to Aurora Avenue which may require traffic speed bumps or other measures to discourage this through traffic;
4. Demolition of older homes, some with historic potential as identified by King County, in one of Shoreline's historic neighborhoods; and
5. Concerns about the extent of sidewalk built adjacent to the fire station and that it should either not be included or should be extended the entire length of N. 184th Street.

PUBLIC HEARING:

On August 12, 1998 the Hearing Examiner held an open record public hearing for the purpose of making a recommendation to the Director of Planning and Development. The hearing was opened at 7:00 p.m. in the Mount Rainier Room of the Shoreline Conference Center and was closed at 8:45 p.m. Participants at the public hearing and the exhibits offered and accepted are listed in this record. A verbatim recording of the hearing is available in the City Clerk's office. The file of hearing exhibits is available for public inspection in the office of the Development Services Group.

At the beginning of the Public Hearing the Hearing Examiner indicated that he had visited the site and driven through the surrounding neighborhood. He noted that he had reviewed the

application, the Mitigated Determination of Non-Significance (MDNS), and the letters submitted during the public comment period.

Testimony was offered at the public hearing by the Development Services Group, City of Shoreline, Shoreline Fire Department and numerous citizens. Testimony was taken under oath. Testimony which was offered is summarized in the following.

- City of Shoreline, Development Services Group: Anna Kolousek and Paul MacCready:

Reviewed the application and noted that the property is currently zoned R-12 and R-6. It is a 1.25 acre side with 5 single family homes which will be demolished. A fire station is allowed in residential zones through a Conditional Use process which is an Administrative Type B decision made by the director of the department. The SEPA Mitigated Determination of Non-Significance was issued with conditions in three areas of concern:

1. Transportation

- Limitations on vehicular access on N. 184th Street.
- Installation of a receiver on N. 185th Street to preempt traffic signals at

Fremont Avenue and Linden Avenue.

2. Drainage

- Applicant required to submit engineering plans to assure connection to a satisfactorily working system with adequate maintenance, sized to insure proper function of the neighborhood drainage and to accommodate the discharge from the fire station without impacting down stream performance.

- Onsite drainage detention system to control discharge flows.

3. Landscaping

- All indicated landscaping shall be automatically irrigated and have a maintenance bond for one year.

The seven decision criteria for a Conditional Use Permit (SMC, Title 18, Chapter 18.44) were reviewed. It was noted that the applicant has the burden of proof to meet the criteria and that the staff had determined that the proposed land use complies with all criteria for a conditional use permit.

Shoreline Fire Department: Chief J.B. Smith and Brian Harrison, Cochran & Assoc., Architects.

Chief Smith noted that they agreed with the decision to hold a public hearing and agreed with the conditions which were recommended on the permit. He summarized the process and fire district plan which were detailed in his letter (Exhibit C). He noted that they had addressed the issue of drainage and flooding on N. 184th Street.

In response to public comments he noted that the SEPA review on the overall plan (CIP) was done after it had been brought to their attention by Mr. Fordjour. He also clarified the extent of emergency runs throughout a day and the method of clearing traffic on N. 185th Street.

Brian Harrison reviewed the proposal emphasizing the buffering and fencing of adjacent properties; efforts to reduce the impact of large areas of asphalt and concrete; breaking down the scale of the building and using a pitched roof; utilization of residential type materials and modifying the roof from a metal roof to a composition shingle roof. In response to a question regarding the two large trees on N. 184th Street he indicated that they hoped to preserve them; however, their existing raised elevation may make it difficult depending on the final site grades.

Citizens who spoke on the application were as follows:

- Ted Mager was concerned that the condition on allowing the emergency access on N. 184th be strengthened and that some traffic diversion be placed to reduce through traffic on this residential street.
- Shoubee Liaw, a member of the Advisory Board, reviewed their process (Exhibit D) and noted that before the approved the site, they requested the fire department to be careful of the neighborhood. She noted that one issue had been the metal roof and that had been changed to a composition roof.
- Ken Howe expressed concern about the notice and noted that the Swanson House, Bungalow, had been identified as being historic (Exhibit G). He noted that this was one of the original neighborhoods in Shoreline and that it was associated with the Henry who was the benefactor of the Henry Art Gallery.
- Kwadwo Fordjour provided extensive testimony which is included in Exhibit H. He expressed concerns about public participation and the SEPA review as being inadequate. He did not want the gate or traffic on N. 184th Street; felt the sidewalk should be done all the way along the street or not at all; didn't feel the acoustical fence would be effective; and because of the mass of the structure that as many trees as possible should be preserved.
- Frank Moll felt that the language on the gate should be strengthened, that there should be speed bumps and felt Shoreline should build sidewalks.
- Naomi Hardy expressed concerns (See Exhibit I) about this location for the fire station as well as its impact on traffic; felt the homes build in the 1920's hold real history and should be preserved; and was still concerned about drainage. She felt sidewalks on N. 184th would be worthwhile.
- Gloria Bryce, member of Citizen Advisory Committee and Oversight Committee, felt they had good meetings which attempted to involve the neighborhoods. She noted that she thought one of the houses had been offered to the historical society but had not been accepted. (In response to a question by the Hearing Examiner Mr. MacCready noted that the King County Inventory of Historic Properties had not been adopted by the City of Shoreline.)
- Pegi McEvoy, member of Oversight Committee, noted that they had requested representation from all neighborhoods with extra members from impacted neighborhoods. She felt that the noise and traffic could be controlled.

- Ruth Bayne, CIP Committee and Oversight Committee, agreed with what others had said regarding the meetings last September and October regarding the site. She noted that there is a tradeoff of the noise versus the public service provided. She didn't feel the sidewalk should be built with the CIP funds, but by the City.

- Kwadwo Fordjour clarified his role related to the Oversight Committee and again expressed his concern regarding the lack of adequate environmental review of the entire plan and this site.

- Ted Major reiterated his concern regarding the potential for bypass traffic on N. 184th Street.

It should be noted that additional correspondence was received after the public hearing was closed from Darlene M. Howe regarding the historic aspects of the Swanson bungalow. A copy of the City's response to her was also received. These items are not part of the official record for this public hearing however they are in the file.

I. FINDINGS AND CONCLUSIONS:

- A. A fire station requires a Conditional Use Permit if it is located in any residential zone in the City and must meet seven identified decision criteria.
- B. The Conclusions contained in the staff report on pages 5 and 6 (Exhibit A) regarding the compliance of this proposal with the seven decision criteria are hereby adopted by the Hearing Examiner and are supplemented in the recommended conditions.
- C. The location of the fire station is consistent with the adopted plan of the Shoreline Fire District which appears to have met all environmental review requirements.
- D. The Shoreline Fire District has attempted to minimize the impact of the building and its function on the adjacent residences and the neighborhood through fencing and landscaping, drainage improvements and modifications to the design of the building.
- E. The Mitigated Determination of Non-Significance (MDNS) adequately addresses the identified impacts related to transportation, drainage and landscaping. Additional recommended conditions by the Hearing Examiner to the Conditional Use Permit supplement these mitigating measures.
- F. Based on public testimony there appear to be three areas which require additional attention by the Fire Department and City of Shoreline to fully respond to legitimate potential impacts on the neighborhood and particularly to N. 184th Street. These relate to:

1. Recognition of the historic neighborhood and the Swanson bungalow which is on the fire station site. Although the list of historic structures has not been officially adopted by the City of Shoreline, it has been recognized for its potential historic significance.
2. Definition of the emergency circumstances under which access through the driveway and gate on N. 184th Street will be used. It is prudent to make such a provision for the operation of the fire department; however the neighborhood needs assurance that it will not become a normal occurrence.
3. Relative to N. 184th Street there are three related items:
 - Need to make provision for traffic diversions and signage to discourage utilization of N. 184th Street as a bypass route;
 - Determination of need for and extent of a sidewalk (there was mixed testimony by residents about the need or desirability of a sidewalk), and
 - Preservation of two existing significant trees on the fire station site adjacent to N. 184th Street. These trees continue the canopy along the entire street and their preservation is essential to reducing the impact of the larger fire station structure on N. 184th Street.

II. RECOMMENDATION:

Based on the foregoing findings of facts and conclusions, the recommendation to the Director of Planning and Development is for Approval of the Conditional Use Permit for the fire station at 719 North 185th Street with the following conditions. It should be noted that Conditions 2, 4 and 5 which require additional work with the neighborhood are somewhat unusual; however, because this is a public facility and there are still some unresolved issues, it is the feeling of the Hearing Examiner that it is in everyone mutual interest to go through these additional steps.

1. Compliance with the conditions in Mitigated Determination of Non-Significance (MDNS).
2. The Shoreline Fire Department, City of Shoreline and interested neighborhood residents should again approach the Shoreline Historical Society to see if there is any opportunity to save the Swanson bungalow by relocating it, preferably in the immediate area. If this is not possible within an acceptable time frame the Shoreline Fire District should make a photographic record of the building and a permanent display be placed in the fire station, as appropriate. Possibly details such as windows, doors or other representative features could be salvaged if acceptable storage can be found.

3. The City of Shoreline and the Shoreline Fire Department should work out mutually acceptable language defining what a "critical combination of circumstances" means such that it is understood that the access from N. 184th Street will only be used in extreme emergency situations.
4. The Shoreline Fire Department, possibly with advice from their traffic consultant, and the City of Shoreline should work with the residents of this segment of N. 184th Street to define a traffic diversion plan (speed bumps, signs, circles, etc.) to minimize bypass through traffic. Implementation of the traffic diversion measures will be the responsibility of the Shoreline Fire Department and should be installed prior to occupancy of the building.
5. As part of the effort in Condition 4 the need for the portion of the sidewalk adjacent to the fire station site should be evaluated. It may create other conditions such as affecting drainage, creating traffic hazards or reinforce the need for a sidewalk along that entire street. If it is determined that a sidewalk is necessary along the entire street frontage, an implementation plan should be prepared. It is not the determination of the Hearing Examiner that building a sidewalk the entire length of N. 184th Street is the responsibility of the Shoreline Fire Department.
6. A plan for preservation of the two existing significant trees along N. 184th Street should be prepared by a qualified arborist hired by the Shoreline Fire District. The recommendations of the arborist should be implemented by the Shoreline Fire District to assure the preservation of these trees. These recommendations may also impact the location of fencing and a decision on the sidewalk.

EXHIBITS:

- A. Staff Report to the Hearing Examiner
Submitted by Anna Kolousek, Planning and Development Services Department, City of Shoreline.
Not Dated - Received in City Clerk's Office on August 5, 1998
- B. Letter to Kwadwo Fordjour from Frank H. Moll (both are members of the Shoreline Fire Department Oversight Committee)
Dated August 4, 1998
Forwarded to City Clerk's Office on August 6, 1998 from Development Services
- C. Letter to Paul MacCready, Development Services, City of Shoreline from J.B. Smith, Fire Chief, Shoreline Fire Department
Dated August 11, 1998
Forwarded to City Clerks Office on August 11, 1998

- D. Document titled: "Questions and Answers About the New Fire Stations"
Submitted at hearing by Shoubee Liaw, members of the City's Oversight Committee
- E. Chart: North and South Elevation Site Plan (color drawing
Submitted at the hearing by Brian Harris, Cochran Associates
- F. Chart: Site Plan
Submitted at hearing by Brian Harris, Cochran Associates
- G. Document titled: "Historic Resource Inventory"
Submitted at hearing by Ken Howe
- H. Document titled: "Comments for Conditional Use Permit for proposed Fire Station on f 185th Street", Submitted at hearing by Kwadwo Fordjour
- I. Document titled: "Comments on the Conditional User Permit for the proposed Fire Station at North 185th Street in Shoreline, Washington", Submitted at hearing by Naomi Hardy
- J. Capital Improvement Project Master Fire Plan for the Shoreline Fire Department
Request at hearing by Hearing Examiner
Received August 13, 1998 from Paul MacCready, Development Services Division, City of Shoreline

PARTIES OF RECORD:

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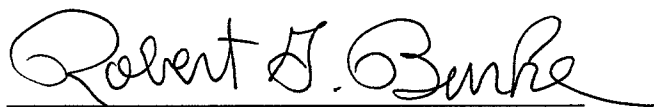
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Carol Doering
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Entered this 26th day of August, 1998. The recommendation of the Hearing Examiner is to the Director of the Planning and Development Department who will make the final decision.



Robert G. Burke, Hearing Examiner

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City of Shoreline
Planning and Development Services

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**APPROVAL OF
CONDITIONAL USE PERMIT**

FINDINGS OF FACT

1. SUMMARY INFORMATION

Proposal:	Conditional use permit to allow the construction of a new north satellite station
Project Address:	719 Northeast 185th Street
Applicant:	Shoreline Fire Department 1016 North 175th St. Shoreline, WA 98133 Telephone (206) 546-5716
Project Number:	1998-00636
Existing Zoning:	R-12 (Multi-Family Residential: 12 Units Per Acre) R-6 (Single Family Residential - 6 Units Per Acre)
Existing Comprehensive Plan Designation:	AC (Activity Center) UM (Urban Medium, 4-12 Units Per Acre)
Property Area:	1.25 Acres
Legal Description of Property:	All of Lots 4-5 and 8, the west 30 feet of Lot 3, and the west 90 feet of Lot 9; Block 2; in the Plat of Richmond Tracts
Date of Complete Application:	April 29, 1998
Date of SEPA Mitigated DNS	June 3, 1998
Date of Public Notice	June 11, 1998
End of Public Comments	June 26, 1998
Date of Pre-Decision Public Hearing	August 12, 1996
Date of Decision:	September 15, 1998

3. APPLICABLE CODE REQUIREMENTS

A. Shoreline Municipal Code

The subject property is zoned Multi-Family Residential (R-12) and Single Family Residential (R-6).

Under Shoreline Municipal Code (SMC) Section 18.08.060, a fire facility requires a Conditional Use Permit (CUP) if located in any residential zone. The Code specifies the following decision criteria for a conditional use permit (SMC 18.44.040):

- (i) The conditional use is designed in a manner which is compatible with the character and appearance with the existing, or proposed development in the vicinity of the subject property;
- (ii) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (iii) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (iv) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (v) The conditional use is not in conflict with the health and safety of the community;
- (vi) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (vii) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

SMC, Section 16.35.080, Table 1 specifies that the decision regarding a Conditional Use Permit Permits is made by the director or his/her designee (Type B action).

B. Street Standards

The 1993 King County Road Standards, adopted by reference by the City of Shoreline, require urban street standards for new developments. These required standards include:

- (i) Curbs, gutters, and sidewalks with a minimum unobstructed width of 8 feet along commercial streets for all new development;
- (ii) Street trees and landscaping for all new development;
- (iii) Driveway access approved by the City Engineer.

5. The sidewalk on North 184th Street should be constructed the entire length of the street or not at all.
6. The acoustical fence would not be effective in mitigating noise.
7. Because of the mass of the structure, as many trees as possible should be preserved to reduce the project's aesthetic impact on the neighborhood.
8. The language in the MDNS conditions concerning the gate on North 184th Street, specifically "a critical combination of circumstances", should be strengthened.
9. The impact on traffic throughout the neighborhood would be substantial.
10. Storm water drainage is still a problem.

The Hearing Examiner's Report and recommendations were issued on August 26th, 1998.

CONCLUSIONS

Shoreline Municipal Code, Title 18, Chapter 44, Section 040 specifies that a conditional use permit shall be granted by the city if the applicant demonstrates compliance with seven criteria. The following is the analysis of applicant compliance with each criterion (analysis is in italic font):

1. The conditional use is designed in a manner which is compatible with the character and appearance with the existing, or proposed development in the vicinity of the subject property;

A fire station is a conditionally allowed use in all single and multi-family zones. The fire station structure must maintain a 20 foot setback from all property lines adjoining residential zones and 35 feet from a street in which fire fighting equipment emerges. In addition, no outdoor storage is allowed (SMC 18.08.060 B.4). The applicant should install landscaping along all property lines and an acoustical fence along the east, south, and west property lines, as proposed, which should screen the existing residences from the conditional use. The orientation of the building should remain towards the arterial, North 185th St.

2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

The proposed building meets the minimum setbacks required for fire stations. The proposed landscaping and acoustical fence, if properly maintained, should enhance, not hinder, the residential character of the neighboring properties.

3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

Transportation and Drainage mitigation specified under the SEPA Mitigated Determination of Non-Significance together with proposed landscaping will make the proposal compatible with the physical character of the site.

See Attachment 1 for conditions of the SEPA Mitigated Determination of Non-Significance.

Mr. Ken Howe testified at the open record hearing that the Swanson bungalow located at

7. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

The new development is required to meet current street improvement standards, stormwater drainage requirements, and all mitigation required by SEPA.

Based on the foregoing findings of fact and conclusions and review of the Hearing Examiner's Report and all applicable codes, staff has determined that the proposed land use complies with all criteria for a conditional use permit as stated in Shoreline Municipal Code, Title 18, Chapter 18.44.

DECISION

The Director of Planning and Development Services **approves** the Conditional Use Permit **subject to the following conditions:**

1. The applicant shall comply with all conditions in the SEPA Mitigated Determination of Non-Significance (MDNS).
2. The Shoreline Fire Department shall make a photographic record of the Swanson bungalow located at 715 North 185th Street and a permanent display shall be placed in the fire station. The display shall include architectural details from the structure, if feasible. The Fire Department shall not demolish any residences without a demolition permit from City of Shoreline Department of Planning and Development Services. As a condition of issuance of a demolition permit for the Swanson bungalow, the Fire Department shall provide proof that the Shoreline Historical Society has completed a search for historic artifacts at the site.
3. The applicant shall prepare a potential traffic diversion plan for N. 184th Street for review and final approval by the City.
4. The shall construct curb, gutter and sidewalk adjacent to the fire station along N. 184th Street in accordance with the City's street standards. The subject sidewalk may be modified in order to provide for tree preservation as specified in condition No. 5.
5. A plan for preservation of the two existing significant trees along N. 184th Street shall be prepared by a qualified arborist hired by the Shoreline Fire Department. The recommendations of the arborist shall be submitted to the Shoreline Planning and Development Department for review and, if approved, be implemented by the Fire Department to assure the preservation of the trees.

A party of record may file an appeal within 14 days of the Director's decision at the City of Shoreline's City Clerk's Office. A closed record appeal hearing shall be conducted by a



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Planning and Development Services

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CITY OF SHORELINE
SEPA THRESHOLD DETERMINATION

MITIGATED DETERMINATION OF NON-SIGNIFICANCE FOR
NORTH SATELLITE FIRE STATION

PROPOSAL: Construction of new satellite fire station - 11,315 square foot structure with three bay apparatus room, classroom, office area, day-room and sleeping rooms for eight, public and crew parking. The facility is located on 1.25 acre site.

LOCATION OF PROPOSAL: 719 North 185th Street, Shoreline, Washington 98133

APPLICANT: King County Fire Protection District No. 4 (Shoreline Fire Department)

CURRENT ZONING: R-12 (Multi-Family, along N. 185th Street) and R-6 (Single-Family, along N. 184th Street) Residential

LEAD AGENCY: City of Shoreline

PROJECT NO: 1998-00636

THRESHOLD DETERMINATION: Mitigated Determination of Non-Significance (MDNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). An MDNS has been issued, subject to the following mitigating measures and conditions: